

1 THEODORE J. BOUTROUS JR. (SBN  
132099)  
tboutrous@gibsondunn.com  
2 RICHARD J. DOREN (SBN 124666)  
rdoren@gibsondunn.com  
3 DANIEL G. SWANSON (SBN 116556)  
dswanson@gibsondunn.com  
4 JAY P. SRINIVASAN (SBN 181471)  
jsrinivasan@gibsondunn.com  
5 **GIBSON, DUNN & CRUTCHER LLP**  
6 333 South Grand Avenue  
Los Angeles, CA 90071-3197  
7 Telephone: 213.229.7000  
Facsimile: 213.229.7520  
8  
9 VERONICA S. LEWIS (*pro hac vice*)  
vlewis@gibsondunn.com  
10 **GIBSON, DUNN & CRUTCHER LLP**  
11 2100 McKinney Avenue, Suite 1100  
Dallas, TX 75201  
Telephone: 214.698.3100  
Facsimile: 214.571.2900  
12  
13 MARK A. PERRY (SBN 212532)  
mperry@gibsondunn.com  
14 CYNTHIA E. RICHMAN (*pro hac vice*)  
crichman@gibsondunn.com  
15 **GIBSON, DUNN & CRUTCHER LLP**  
16 1050 Connecticut Avenue, N.W.  
Washington, DC 20036-5306  
Telephone: 202.955.8500  
Facsimile: 202.467.0539  
17  
18 E. JOSHUA ROSENKRANZ (*pro hac vice*)  
jrosenkranz@orrick.com  
19 **ORRICK, HERRINGTON &**  
**SUTCLIFFE LLP**  
20 51 West 52nd Street  
New York, NY 10019-6142  
Telephone: 212.506.5000  
Facsimile: 212.506.5151  
21  
22 WILLIAM F. STUTE (*pro hac vice*)  
wstute@orrick.com  
23 **ORRICK, HERRINGTON &**  
**SUTCLIFFE LLP**  
24 1152 15th Street, N.W.  
Washington, DC 20005-1706  
25 Telephone: 202.339.8400  
Facsimile: 202.339.8500  
26 *Attorneys for Apple Inc.*  
27  
28

PAUL J. RIEHLE (SBN 115199)  
paul.riehle@faegredrinker.com  
**FAEGRE DRINKER BIDDLE &**  
**REATH LLP**  
Four Embarcadero Center, 27th Floor  
San Francisco, CA 94111  
Telephone: (415) 591-7500  
Facsimile: (415) 591-7510  
CHRISTINE A. VARNEY (*pro hac vice*)  
cvarney@cravath.com  
KATHERINE B. FORREST (*pro hac vice*)  
kforrest@cravath.com  
GARY A. BORNSTEIN (*pro hac vice*)  
gbornstein@cravath.com  
YONATAN EVEN (*pro hac vice*)  
yeven@cravath.com  
LAUREN A. MOSKOWITZ (*pro hac vice*)  
lmoskowitz@cravath.com  
M. BRENT BYARS (*pro hac vice*)  
mbyars@cravath.com  
**CRAVATH, SWAINE & MOORE LLP**  
825 Eighth Avenue  
New York, New York 10019  
Telephone: (212) 474-1000  
Facsimile: (212) 474-3700

*Attorneys for Epic Games, Inc.*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

EPIC GAMES, INC.,

*Plaintiff,*

V.

APPLE INC.,

*Defendant.*

APPLE INC.,

### *Counterclaimant,*

v.

EPIC GAMES, INC.

### *Counter-defendant*

Case No. 4:20-cv-05640-YGR

**STIPULATION AND [PROPOSED]  
ORDER REGARDING DOCUMENT  
SUBPOENAS TO NON-PARTIES,  
AUTHENTICITY AND SERVICE**

Judge: Hon. Yvonne Gonzalez Rogers

EPIC GAMES, INC.,  
*Counter-defendant.*

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*Document Subpoenas to Non-Parties.* With respect to Fed. R. Civ. P. 45 document subpoenas served in this Action on a non-party, the issuing Party shall request that non-parties simultaneously produce materials to both Epic and Apple. If, notwithstanding such request, the non-party produces the materials to only the issuing Party, the issuing Party shall provide a copy of all materials to the other side within three calendar days after receipt of the materials from the non-party.

1                   *Authenticity Presumptions.* All documents produced by either Party or by non-  
2 parties from the non-parties' files shall be presumed to be authentic within the meaning of Fed. R.  
3 Evid. 901. If a Party serves a specific good faith written objection to the authenticity of a  
4 particular document, the presumption of authenticity will no longer apply to that document. Any  
5 objection to a document's authenticity must be provided with (or prior to) the exchange of  
6 objections to trial exhibits. The Parties will promptly meet and confer to attempt to resolve any  
7 such objection.

8                   *Service.* Service of any documents not filed via ECF, including pleadings,  
9 discovery requests, subpoenas for testimony or documents, and expert disclosure shall be by email  
10 to all attorneys for the receiving Party then appearing on the ECF docket, at the email addresses  
11 listed thereon. In the event the volume of served materials is too large for email and requires  
12 electronic data transfer by file transfer protocol or a similar technology, or overnight delivery, the  
13 serving Party will telephone or email the other side when the materials are sent to provide notice  
14 that the materials are being served. For purposes of calculating discovery response times under the  
15 Federal Rules of Civil Procedure, electronic delivery shall be treated the same as hand delivery.

16 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

17                   Dated: October 22, 2020

**CRAVATH, SWAINE & MOORE LLP**  
Christine Varney  
Katherine B. Forrest  
Gary A. Bornstein  
Yonatan Even  
Laurent A. Moskowitz  
M. Brent Byars

**FAEGRE DRINKER BIDDLE & REATH  
LLP**

Paul J. Riehle

Respectfully submitted,

By: /s/ Gary A. Bornstein  
Gary A. Bornstein

*Attorneys for Epic Games, Inc.*

Dated: October 22, 2020

GIBSON DUNN & CRUTCHER LLP

Theodore J. Boutrous Jr.  
Richard J. Doren  
Daniel G. Swanson  
Mark A. Perry  
Veronica S. Lewis  
Cynthia E. Richman  
Jay P. Srinivasan

# **ORRICK, HERRINGTON & SUTCLIFFE LLP**

E. Joshua Rosenkranz  
William F. Stute

Respectfully submitted,

By: /s/ Cynthia E. Richman  
Cynthia E. Richman

*Attorneys for Apple Inc.*

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

DATED:

**HON. YVONNE GONZALEZ ROGERS**  
United States District Court Judge

## **E-FILING ATTESTATION**

I, Gary A. Bornstein, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the signatories identified above has concurred in this filing.

/s/ *Gary A. Bornstein*

Gary A. Bornstein